

THE
CRIE OF BLOOD:
 OR,

A true Answer to those
 Thirteen false Reasons of the
 Filchers, Attournies, &c. practising
 at WESTMINSTER, for the main-
 tenance of the Capias and Arrest of
 men's bodies for Debt.

Wherein is shewed the benefit of
 the use of SUMMONS, rather
 then of A R R E S T S; which
 commonly caus much delay, and
 excessive charges.

Whereunto is added two Cases:

1. Concerning Justice.
2. Concerning Taxes.

By John Jones of Newarke, Esq;
 Com. Brecon. Gent.

LONDON,

Printed by William Du-gard, for
 Thomas Matthews, 1651.

THE
CRIE OF BLOOD:

O R,

A true Answer to those

who have been asking of the
Government, for the main-
tenance of the Capital and Army of
the South for Debt.

It is a true and
common sense answer, and
executive changes.

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common sense answer, and
executive changes.

By John Jones of Weymouth,
Commons Member.

LONDON:
Printed by William Liddell, for
J. B. Mansel, 10 St. ...



To his Excellence
OLIVER CROMWEL,
Lord General of the puis-
sant Armie of the PARLA-
MENT of ENGLAND.

Renowned Sir!

AS your Com-
mand is gene-
ral, so are your
cares, troubles, sufferings,
actions and endeavors all

A 3 ge-

The Epistle

general, for the general good of this Nation in general: Nor is the case and number of the Prisoners for Debt in *England* and *Wales*, for whom you have been, and are a solicitous, although yet improsperous mediator to the House of Parliament so small a particular, but that as the prudent King *Philip* of *Macedon*, who accompted his bodie but small to the rest of his endowments, and knew
it

Dedicatorie.

it to be mortal, desired
to be dailie remembred
he was mortal, to the
end he should not more
glorie in what he had
well done, than persevere
in well-doing, and fi-
nishing his wel-begun
enterprises; that so he
might immortalise his
fame, and illustrate the
faculties of his immortal
virtues, that posteritie
might speak of him, not
like *Pythagorists* of their
master, *ipse dixit*, but *ipse*

A 4 *fecit*;

The Epistle

fecit, nay more, *ipse perfecit*. I hope likewise your Excellence will not be offended with me one of the heartiest, though of the meanest of your Honors wel-wishers, to mind you of the neglected miseries of the said prisoners now, more then ever, likelier to be continued and increased then relieved, or abated by the generation of Lawyers overswaying the mildeness of those

Par-

Dedicatorie.

Parlament Members
that have long promised
you to be merciful to
such Prisoners, and to
hasten their enlargement
out of their wrongful
imprisonments; which,
if you see performed, as
hereafter is desired, wil
be an action of no less
Divinitie then Charitie,
and no lesse profit then
Honour to your self
in particular, and
the Common-wealth in
general. The Officers in

A 5 Law

The Epistle

Law have lately presented the Parliament with
13. Reasons for the maintenance of Arrests and Imprisonment for Debt, contrarie to *Magna Charta*, and the *Petition of Right*, as I have elswhere, and repugnant even to Reason itself, as I have here following farther declared in answer to their said Reasons in the Prisoner's behalf; in which, and whose names I likewise
humbly

Dedicatorie.

humbly dedicate the same
to your Honor, with a
copie of the said Reasons
hereunto first annexed
as it came to my hands,
and next an answer to
their preamble : and
afterward particular an-
swers to their particular
Ratiocinations : and
lastly, the Prisoner's
humble Petition to your
Honor ; all which I
could not have readie be-
fore Colonel *Pride's* de-
parture (whom God
prosper)

The Epistle

prosper in your Service,
and the Commonwealth's, whose welfare
hee preferreth above all
worldlie ends) but have
now presumed to send
them unto you; beseech-
ing your Honor that
your Lieutenant General,
Colonel *Fleetwood*, (a
man of no less worth
then eminence) or some
other like publik spirit
may act in this matter,
and others of the like
nature in your Honor's
absence

Dedicatorie.

absence according to
your directions, and the
people's necessitie from
time to time, that no op-
portunitie bee lost, and
more lives of Prisoners
bee saved, and your care
thereof to the uttermost
expessed.

*The Lord President of the Council
of State, and Col. Martin are con-
ceived to bee no less willing then
able to procure such a Commission
as the Petitioners desire, and Law
would afford, if your Honor would
be pleased to write to them, which
I humblie submit to your Honor's
consideration.*

So wisteth your
dailie Orator,
John Jones.

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REASONS for the continuance of the process of Arrests, for the good of the Common-wealth.



He proceedings by waie of Arrest at the King's Suit; and in all actions that were Quare vi & Armis, between the subjects, are as ancient as the Common Law of this Land; but the process for the people in other Actions, was Summons, Attachment, and distress, which Course, as to recover Debts, did prove delatorie,

Reasons for the continuance
torie, and manie times fruitless,
to the great hinderance of Mar-
chandise, and other Commerce
in this Nation; and therefore
former Parliaments did pro-
vide as appears by divers Sta-
tutes) the writ of Capias to an
Arrest. as a full remedie, and
most necessarie for this Common-
wealth. 3 Rep. 12. Sir Will.
Herbert's Case. 52 Hen. 3.
in Accomp. 1267. 25 Edw. 3.
c. 17. An. Dom. 1350.

1. Because attaching the per-
son doth secure the Petitioner's
debt, either by present paiment,
or causing other satisfaction,
which the proceedings by sum-
mons do not; and as a man
will give all for his life, so hee
will do much for his libertie.

2. When

of the process of Arrest, &c.

2. When men are detained upon the Arrest (which is but seldom, for few are arrested in comparison, and then) it is ordinarily but for a short time, until they have given securitie to answer the Action, or som warrant to appear.

3. If men may not proceed by Arrest, it will much hinder Trade, and other dealings; for men will not adventure to trust, where there is much libertie for the debtor to stand out; and Merchants, and Tradesmen manie times look upon the Person as the best securitie, and the remedie by Arrest, the speediest to gain their debts; without which Trade will necessarilie decaie.

4. The

Reasons for the continuance

4. The process to Arrest, doth end most suits before the Person bee attached, and before appearance, as experience doth shew; for when men will not regard a summons, they will take cours before they will suffer an Arrest, 52 Hen. 3. cap. 23.

5. Men will take occasion from the summons (as formerlie they have done) to be gon from one Countrie to another, and to make awaie their estates, and though the Plaintiff know it, yet hee cannot help himself, which the Arrest doth prevent: And the Law-makers of this Land have ever held it more reasonable to provide for the satisfaction of the Creditor, then the libertie of the Debtor.

6. England

of the process of Arrest, &c.

6. England is an Island compassed with manie Port Towns, where there are manie Merchants, and men that go abroad, and trade by Sea, who buie wares upon Credit; there wil bee continual occasion of suits against divers persons of this sort, who will not much regard the summons, but will betake themselvs, and their estates, to Sea again, and the Creditor can have no remedie; whereas if the parties maie bee Attached, they wil make satisfaction.

7. Whereas divers tradesmen subsist upon their Credits, and take up great summes of Monie, for which they can give no other securitie then their per-

Reasons for the continuance
persons, and by advantage
thereof, manie times attain
to great estates; but if the pro-
cess of arrest bee taken awaie,
they can hope no more to bee in-
trusted, which apparentlie tend's
to their ruine.

8. And that proceedings
by Arrest maie not seem at all
cruel, or unjust; wee find both
presidents, and approbation of
the like, and greater severitie in
the Old and New Testament;
as selling the Debtor, his wife
and children, and all that hee
had to make paiment, and of
taking, and casting into prison
for debt, until the utmost farthing
were paid: And yet this course
was not condemn'd amongst the
Romanes, (so much they loved
Justice)

of the process of Arrest, &c.

Justice) nor by Christ himself
in the New Testament; who
bid's agree with thy adversarie
before thou com to the Judg:
And God, who will have that
which is right to be don among
men, was verie careful that his
own people should paie their
debts; and therefore if anie
were indebted, though they were
poor, and could not paie, yet the
Creditor might take the Debtor,
and his Children to bee his ser-
vants and band-men; and
might take their Garmets
from them, and the bedding
whereon they did lie, from under
them, which was a far greater
punishment then our light Ar-
rests; for the Prison, with us,
is but a gage, or pledg, until
the

Reasons for the continuance
the defendants take cours to an-
swer the Action. Mat. 5. 25.
Mat. 18. 30. 2 Kings 4. 7.
Levit. 25. 39. Prov. 20. 16.
Prov. 22. 27.

9. Men ordinarilie begin
Suits upon necessitie, and Deb-
tors generallie are called upon
before anie suit is commenced:
which indeed is in the nature of
a summons; but yet neither this,
nor the writ of summons doth
drive men to take anie cours, un-
til the process of Arrest issue
forth, being more compulsorie,
and a more speedie remedie for
the Creditor, then the milde,
and gentle summons was found
to bee, (as appear's by sundrie
Statutes, 19 Hen. 7. cap. 9.)
which are more provisional for
the

of the process of Arrest, &c.

the Creditor, who is alwaies out of his monie, then for the Debtor, who seldom well spent it, or hath care to repaie it.

10. And if by anie new waie, upon mecr summons onlie, and default, Judgment shall bee had before appearance, (which cours the Law doth not countenance) then the grand pillar of our Common Law, the Trial by 12. Men (which the Law doth much honor and favor) will fall to the ground; for much business will rest whollie upon the Affidavid of a summoner, or the like, which will bee a means to multiplie suits, and is an unsure cours, and will induce more perjurie into this Nation, then our Law would ever before this time
give

Reasons for the continuance
give an inlett unto: And
therefore former Parliaments
providing against delaies by
summons, did not give Judg-
ment upon default, but found out
a speedie remedie by Arrest
to bring the Defendant to his
answer.

II. By the Law a Capias ad
satisfaciendum, doth not lie, an
but where there is a Capias ad
satisfaciendum first: and bee
there is as great reason and e-
quitie for the Arrest to answer
before Judgment, as for the
Arrest to satisfie after Judg-
ment, becaus the Capias ad
respondend. doth compel the
defendant to take notice of the
action, to which hee maie plead,
if hee will, and doth secure him
that

of the proceſſs of Arrest, &c.

him that hee ſhall not ſtart, ſo that when the Capias ad ſatisfaciendum doth iſſue forth, there is left no color of juſt exception for the defendan: but on the other ſide, if Judgment ſhall bee entred upon a ſuppoſed ſummons, there will bee manie grievous complaints, and the ſucceeding evils will hardlie bee redreſſed: manie will bee undon, and ſuits will bee multiplied.

12. Experience doth ſhew that the benefit of the proceſſs of Arrest hath been verie great to this Common-wealth: and all the Statutes have mentioned it from time to time, and have given a larger extent unto it, then before

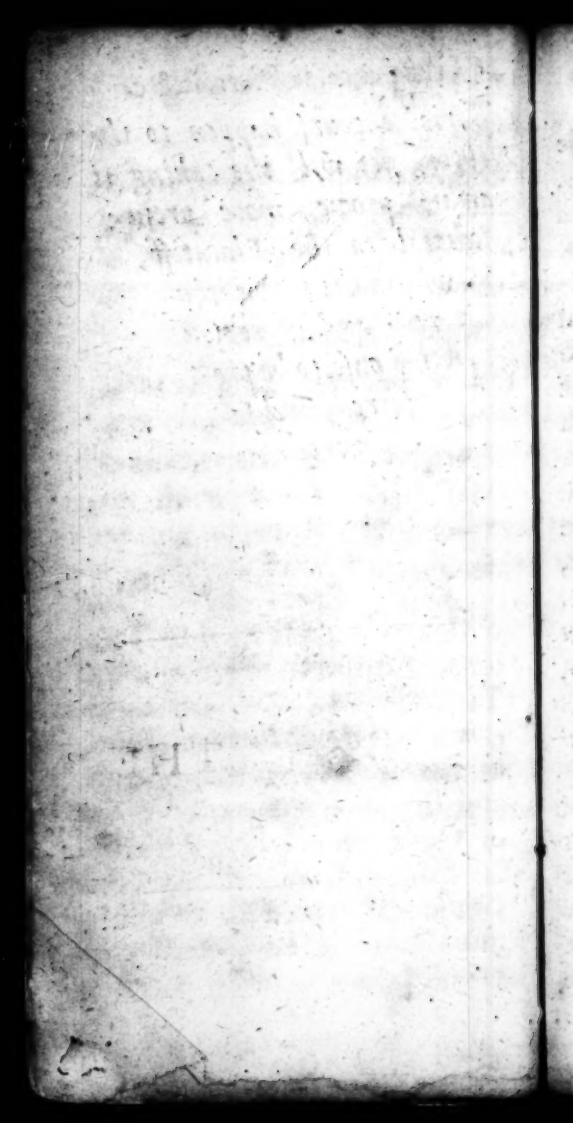
Reasons for the continuance
fore it had, and none have
abridged it in anie thing,
which is now of great anti-
quitie, having been for ma-
nie Ages the best remedie
(for the People to recover
their Debts, and to compose
other differences) that our An-
cestors could devise. Anno
Dom. 1267, 1350.

13. Lastlie, The subtiltie
and subterfuges of Debtors
having made the process
of Arrest no more neces-
sarie then formerlie, there
will be reason rather to add
to the remedies provided
for the Creditors in former
Parlaments, then to dimi-
nish them: And if anie in-
conveniencie by this so ne-
cessari

of the process of Arrest, &c.
cessarie a cours happen to the
Debtor, yet will the taking it
awaie prove more preju-
dicial to the Plaintiff,
who is the partie inju-
red, and in reason
his case to be pre-
ferred, and fa-
vored.

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THE





THE CRIE of BLOWD.



THE first part of this
Preamble is far
from the matter:
Wee confesse, Ar-
rests by *Capias*,
without Summons, for Treas-
ons, Murthers, Felonies, and
Trespases, don *Vi & Armis*, or
Contra pacem, or *Formam Statuti*,
as Extortions, and all Frauds,
and Injustice, don under color
of Office and Justice, to bee
lawful, and as antient as the
Common Law of this Land; and
more antient too, becaus such
offences were committed before

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the Laws were written, or made in those cases, or thought upon, ~~upon~~, to punish the past, and prevent the future. By the Law, wee know the sin that was before it; and by the due course of Law, the course of sin ought to bee staied or corrected. But what is this to a debtor, which groweth neither *vi & Armis*, nor *contra Pacem*, nor *contra Formam Statuti*? for recoverie whereof, against able debtors, the Statute of *Westminster 2. cap. 18.* And the Common Law before that, provided remedies, the process, or proceedings whereof were by summons, attachment & distress, (as our adversaries confess) which course, if Antiquitie can meliorate, is far antienter then the *Capias* for debt, which they make no elder then the repealed Statute that gave it, 25 *Ed. 3. 17.* which the same

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same King annulled the 3. and 17. years next after, viz. 28. and 42. of his Reign. The delatoriness alleged in the courf of Summons, is a deceitful information, and an untrue report made to the High Court of Parliament; which were it to an inferior Judicature, deserveth no less punishment, then the Informers, to bee imprisoned a year, silenced for ever, and fined, and ransomed at the State's pleasure, *Westm. 1. cap. 29. 3 Ed. 1.* For the truth is, there can bee no speedier waie devised, considering Actions of Debt by Common Law, and many Statutes, ought to bee laid in the proper Countie wherein the Defendant dwelleth, and hath, or hath not wherewith to paie, where the Sherifft having his Justices, which is the onely proper writ for debt, is a Commission to

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hold plea above fortie shillings, and is to summon, attach, and distrein, and do execution according to the verdict of the Jurie, if in an Hundred Court, in three weeks, allowing fifteen daies, as Law requireth, between Process and Process; which three weeks between Court and Court, may fully afford, and that is no long delaie, in comparison of what is usual at *Westminster*: or if in the Countie Court, three moneths, or twelve weeks doth the same. But if the Action bee laid in, or removed to the *Common Pleas* at *Westminster*, (which ought not to bee don, or suffered, without injustice, or partialitie, proved, not alleged in the Sheriff) they cannot determine the Action under three Terms, which is not the fault of the cours of Summons, which requireth but
fifteen

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fifteen daies between Process and Process; but the fault (more then delatorie) of the court at *Westminster*, which requireth long Vacations between Term and Term, and removeth more Causes thither in one Term, or Vacation, then they can end in seven.

And where they saie, Summons are many times fruitless; that is never, except the Debtor hath nothing to bee summoned by, & so ought not by any Christian Law, to bee looked after, but with eies of charitie. And why Merchandise and Commerce in this Nation should bee hindered for want of a *Capias*, to arrest and imprison non-solvents to death, cannot bee truly demonstrated by any Christian reason, since all men know, that all other Nations as well Heathens, as Christians, who

B 5 never

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never admitted so impious a remedie to recover debts, as the *Capias*, finde no hinderance of Trade or Commerce amongst them, but onely the Trade of Lawyers and Liers, whereof the fewer make the better Commonwealth.

That former Parliaments provided the *Capias* for debts, as a full and most necessarie remedie for this Commonwealth; and that divers Statutes affirm so much, appeareth to bee these men's additions to their former mis-informations, and endeavors, to abuse this Honorable Parliament: For it was but one Statute that ever provided this *Capias*, and that is long since repealed as aforesaid, and so continueth by more then thirtie three Parliaments and Statutes. Neither doth that Statute shew any caus for its provision, making,

making, beeing, or necessitie of its continuance, or hath any Preamble at all (as all necessarie Introductions of Law usually have) but pinneth it self to the Statute made for Accomptants, viz. Lords, Bailiffs, Rentgatherers, and servants, that cheated their Masters of their rents, and monies committed to their trust, to collect and accompt for, contrarie to all Laws, Justice, Equitie, Mercie, and common honestie; all which they falsified, and converted their Master's monies to their own use; which to answer unto by due cours of Law, they commonly durst not abide, for shame, more then for the dept, and therefore became Fugitives from their acquaintance: so that the *Capias* was necessarie to staie, and fetch them to accompt with their Masters.

But

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But this pinning, or relating this Statute to that, seemeth to bee (as Master Cook writeth thereof) the work of som corrupt Lawyers, Members of that Parliament, that passed it unexamined, except by a Committee, which they over-ruled; and that is in a few words, so huddled up amongst other things, as they might bee as soon forgotten by the hearers, as read by the Impostors: which practise they have used for the unspeakable advantage in all Parliaments that trusted them; God bless this from the like, and grant it bee not too late wished. Howsoever, that venerable Judge, and Autor of the *Mirror of Justice*, pag. 283. ca. 5. sect. 7. condemneth this *Capias*, and declareth it to bee contrarie to Law; and sheweth reasons therefore, both there, and p. 108.

where

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where the Action for accompt is debated, and declared to bee mixt, in regard of the trust and deceit of the Accomptant, deserving therefore to bee prosecuted so far, as to bee forced to an accompt: but for the debt, more then hee hath wherewith to satisfie, the Law requireth nothing of him that hath nothing; and giveth no recoverie, nor other remedie then revenge, which God calleth his own. And both this Author, and the Lord Coke, in the *Third part of his Institutes*, agree, that the acting and mainteining of things contrarie to Law, as Law, or lawful, is a subversion of the Law, and that is no less then High Treason against this State and Common-wealth; which case is our adversaries, whom wee hereby impeach thereof, and crave direction and

assist.

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assistance, to indict and prosecute them according to the known Laws in that behalf; So far as they may not lose the honor of their Antiquitie, which they press so much for; and wee confess, that for the mysteries of its craft, it hath exceeded the Sciences of all their Progenitors in their several faculties; for in the art of men-catching, there are of them many an one, who exceed,

1. Three Bum-Bailies, who by virtue of their *Capias*, can commonly catch but one by the poll at once, nor that without *vi & Armis*, and loss, or hazard of lives, by the furie of their passions, while our Chamber-Officer can make threescore *Capises* to catch five times threescore persons without any danger of his own, except by the wrath of God, which few of them
ever

ever feared, but are all embold-
ned by his patience, to attempt
the catching of a whole Par-
lament of most wise Senators at
once, to becom subject in them-
selvs, or their posterities, to this
Purs-net, perswading them to
father, and maintein this Ba-
stard *Capias*, which knoweth no
difference between a Parla-ment-
man, and another, or between
his friend and his foe.

2. In the Art of Ambition,
they exceed their Father the
Devil, who did but attempt to
bee Lord of Hosts, whilst these
men becom Hosts of Lords, and
still covet to enlarge their Do-
minions.

3. In the Art of Murthering,
they exceed their brother *Cain*,
who killed but one *Abel* in all
his life time, and for that one
offence, had the curs of God
upon him and his seed for ever;
while

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while these men daily murther many of their brethren with fals Judgments, and solace themselves with Angels, defile their hands, and fill them with bloud, yet would bee heard in Parlament, when God telleth them hee will not hear them, *Isa. 1. 15.* and bid's them fill up the measure of their Fathers, that upon them may com all the righteous bloud of the Earth, from the bloud of *Abel, &c. Mat. 23. 32. 35.* and *Luke 11. 50, 51.* concluding *v. 52.* *Wo unto you Lawyers,* for you have taken away the key of knowledg; you entred not in your selvs, and them that were entring in, you hindered: Which Scripture, wee conceiv, may bee fitly applied to our *English Lawyers*, who have taken away the English of our Laws, which was the key of our knowledg therein; And entred not
into

The Crie of Bloud. 13

into the truth thereof themselves; and them that would, they hindered, until this happy Parliament righted us in that, fore against their wils, and will as wee hope, and they fear, further right and free us from their bondage, finding that now they have filled the measure of their Fathers, that upon them may com, and from them may bee required all the righteous bloud of prisoners for debt, from the bloud of the first Free-man of England, imprisoned for that caus, to the bloud of the last that shall perish in prison for the same.

4. In the Art of Treason, they exceed *Judas*, who with one kiss, betraied but one Master, to a death fore-ordained by God's Providence, for the life of the world, except his desperate betraier, and other unbelievers

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believer's children of perdition; while these men by their daily prevarication, and changing their notes, since they have deserted the Canonical Organs, and Psalmistical Harmonies, to the tune of the Organical Canons, shrill Trumpets, and ratling Drums, siding with the strongest Faction in Warrs, as with the richest partie in Peace, till they have betrayed three Commonwealths to manifold deaths, avoidable by the mercie of God, and Praiers of men, except these impenitents that harden themselves in their wickedness, do stir up others to second their seditious and implacable spirits, sons of *Belial*.

5. In the art of Impostors, they exceed the Pope, and *Mahomet*, who by their impostures endeavored but to counterfeit Christ's Miracles, and make those

coun-

counterfeits sailable at high rates, thereby to di estimate his truth, and prefer their own inventions, and to eclips his kingdom of grace, that they might ostentate themselves in us, too of Vain glorie; whilst these men having disguised our Lawes in Forraign languages, he made them vendible to our selves at their own prices, and thereby on have subjected the seven liberal is, Sciences, and three free King- od, dom's of several free Nations, to ese their unlimitable impudence, m- which being over-ruled for the tir language they intend to main- ain, and augment in price and its, jurisdiction, and settle them- selves in one tyrannical Monar- rs, chie, as arbitrarie, as intolerable, Ma- and as slavish, as mercinarie. And res contrarie to *Magna Charta*, and Feit were ever since the Court called ose the Upper Bench, hath imposed it's

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its judicature in matters of Debt
and other Common Pleas, ex-
presslie forbidden them, and take
out of their jurisdiction; and
both it, and the Common Pleas
impose their Judicature in case
of Tithes, expresse taken out of
their jurisdiction by several Sta-
tutes, and given to the spiritual
Courts, which (though now
suppressed) their jurisdiction
ought not to bee resumed but by
the Parliament, nor execute
without an Act for that end.

6. In the Art of Perjuring
they infinitelie exceed *Peter*, who
forswore himself but once, and
when he heard the Cock-crow
went out from the Maid that
urged him, wept bitterlie, repen-
ted him of his sin, and resolved to
do so no more: whilst these men
forswear themselvs dailie; and
when they hear their Pocke-
ring, go in to their Wenches
with

with whom they interchange
deceitful imbraces, and seem
to laugh merrilie, persevere in
their wickedness, and implore a
Parlament to countenance, and
continue them in condition to
do so still.

7, 8, & 9. In the severall Arts
of Extortion. Bribing, and Pre-
varication, they exceed the no-
torious Judges, *De' Burgo Tre-*
ilian, Bremble, Thorpe, &c. as well
in their takings, as in their num-
bers; for as those were few to
their manie, and *Thorpe's* taking
was but 100 l. from manie
hands; how manie hundred
pounds taketh one of them from
one hand? wee can witness too
well, and others may compute by
the increas of the price of an
Habeas Corpus, Error, &c. And
the necessitie of divers parties to
make frequent uses of those in-
struments, more to avoid Justice,
then

then to desire it: whereby the
 prevarication, Ambodextership
 and Legerdemain of these men
 dailie appeareth more and more
 by their impairing of their Cli-
 ents to improve themselvs; manie
 men of manie thousands beeing
 brought suddenlie to nothing
 and most of them from nothing
 to manie thousands *per annum*.

10. In the Art of Commutation
 they exceed both Canonists,
 and Civilians, who commu-
 tated corporal penances to pecu-
 niarie, paialle out of perso-
 nal estates, while these men
 change Treasons to trespasses
 and Trespasses to treasons at
 their pleasure, and make de-
 guiltie of death, furer, thought
 somtimes slower then Treason
 or Misdemeanor whatsoever
 and men's estates as well real, as
 personal whollie their own.

11. In the Art of Transfor-
 mation

the nation they exceed Chamelions,
ip who can bee of anie colour but
new white, expresse in Scripture to
on bee the immaculate investiture of
li Angels: These men can seem of
all colours to suit with all pre-
ing dominations, though never so
ng divers, and all contraries, and
ing turn the Law for all their turns,
and arrogate most trust when
they are most treacherous, and
face themselvs with the truth of
Saints, when they are as fals as
pe Devils.

12. In the Art of Counter-
meiting, they exceed both Alchi-
mists, and Coyners, of whom
s the first counterfeit, but Gold,
de and Silver, and turn more Gold
ught to brass, and Silver to lead, then
son Copper to Gold, or Lead to
ever Silver: And the second Coun-
l, afterfeit, but Pictures, whilst these
men counterfeit Justice, Equitie,
son and Lawes, more concernable
ation then

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then Metals, to God and Man; and fix mens substances, more considerable then their pictures, upon themselves, and their heirs.

13, & 14. In the Arts of Forgery, and Fraud, they exceed all the Coiners of fals Monies, and Counterfeiterers of Letters, and Tokens; whom, if they catch with such misdeameanors, they sometimes severelie punish, and sometimes pass over sleightlie, or excuse artificiallie, as may most conduce to their profit, or concur with their practise, whilst they themselves make it a chief part of their office to forge the returns of Sheriffs and Coroners of several Writs, and to file them for true Records, and due proceedings of Law; whereupon follow Judgments, Executions, and Imprisonments to many thousands, to their utter undoing.

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ing, and for want of summons, Attachments, and exigents duly executed, and returned by those Officers who never see them, yet are answerable by Law for those fals Returns made unknown to them, and the Forgers thereof, as of all other fraudulent deeds which cannot be drawn, ingrossed, antedated, and contrived advisedlie without them, or some of their Counsels, ought to bee punished for the same, for which they are never questioned, but on contracting the greatest Forgery, wherein they are actors, pass for good deeds and onlie those trifles that want their skill, and privitie, are made great, or dear offences.

15. In the Art of Lying they exceed the men of Crete, and Choziba, who (as is written, 1 Chron. 22.) were also Ancient, as these men would be accounted;

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for those but as Men and Heathens, lied but to men in humane things, whilst these men, as Devils, lie unto God, and in contempt of his Divine Word, and Deitie, as shall appear hereafter.

16. In the art of Simonie, they exceed *Simon* himself, who would have bought, for his monie, the Gifts of the Holie Ghost, and intending the Apostles favor, purchased their indignation: whilst these men have with their Monie's, purchased their Offices, and all the false gifts of the Devil, to execute them, and by the same endeavor to acquire the favor of manie of ther corrupt members, who (wee hope) shall not bee suffered long to abuse the rest of this happy Parliament.

17. and 18. In the arts of Rapacitie, and Tenacitie, the
Catch

Catchpols and Gaolers exceed Lions, and Tygers, and their Gaols and Dungeons Heaven, and Hell, for Lions will favor their friends, and Tigers their neighbors. And Heaven will neither take, nor receiv, anie but God's Elect; nor Hell anie but Reprobates; but Catchpols, Gaolers, and their Gaols catch, and receiv all men they can sue, and count all too few, and keep them in their pawes, and caves, while they are worth a farthing.

And thus having suppeditated their Proëm with eighteen descriptions of their properties that appropriate to themselfs all our proprieties, and so supernumerated their 13 fals Reasons for the supportation of their innumerable falsities, wee shall descend to sift those Reasons as followeth.

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1. The first is all fals; for the attaching of persons secureth no part of the Plaintiffs debts by paiment, or other satisfaction, but commonly their debtors bodies to miserable deaths, and their estates from their heirs and creditors, to Lawyers and Officers: For the proceedings by Summons, wee have answered before. And for Prisoners that are able to give for their libertie to their Gaolers, they have as much as they desire and paie for out of their creditors rights; and their own Frie, and not the Plaintiffs, or their heirs, have their Gaoler's leavings.

2. The second is like the first for it is not a few, that are detained for debt, when Sir *Jo. Lenthall* hath in his custodie or list one thousand persons; the Warden of the *Fleet* as many, the Gaols of *London*, *Westminster*, and

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and Liberties adjoining, few
less; and in the rest of all the
Gaols of *England* and *Wales*,
will bee found many more. They
that accompt so many few, de-
clare their desire is to have all
the Free-men of *England* and
Wales (except themselvs) in the
same case; why? and with
whom els do they make the
comparison, but becaus they
conceiv there are more persons
out of prison, then in; their
detention is not seldom, but
frequent, and so are murthers,
and hurts, committed as well
before, and at, as after arrests;
by reason thereof, they are not
detained for a short time, but
ordinarily till death as aforesaid:
Warrant of Atturnie, if they
need any Atturnies, they ought
to give to whom they pleas, and
not to whom any Court appoin-
teth. And for appearance, no

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Free-man oweth it to any Court out of his Decenarie, Hundred, or Countie.

3. The third is but a block-head-ship's Proëm, as untrue as the former, and so demonstrated in our answer thereunto before. No Trade but Lawyers, nor such, but *Westmonasterians*, will bee hindered by taking away the *Capias*. It was the lawless use thereof, that caused more Usurers then Merchants, to look after men's persons: It never was, nor could bee the speediest waie for Plaintiffs to gain their debts, but the most delatorie to recover, and the most readie and usual to lose them; so as the repetition of the decaie of Trade, if the *Capias* were taken off, is but tautologie for want of reason, and an abuse of Parliament, to bee offered such untruths, to hear, or look
upon,

upon, punishable as aforesaid.

4. The fourth is as bad as all the former; for the attaching of a man's person, where hee hath neither means to paie, nor friends to bail, produceth no end but Imprisonment, Summons, and Attachments of men's goods, where they have to paie, conduce to the speediest end between Debtor and Creditor: Hee that hath of his own to paie, will regard Summons, lest if that hee bee attached, hee shall lose all, and if submitted to his Creditor's mercie, hee may save som. Hee that hath enough, or more then sufficient to paie his Creditors, of his own estate, will neither regard Summons, nor fear Arrest, but desire it, beeing sure of what libertie hee pleaseth, paying his Gaoler, and to leav what his Gaoler leaveth, to whom hee

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list, as aforesaid; whereby more Creditors are cheated, then by any other deceit, and more undone, then debtors of that kinde, who commonly live too plentifully, and leav somthing, when their Creditors have nothing whereby to live, or whereof to leav.

5. The fifth is as untrue as the rest; for a debtor that is worth the Summoning, can live no where better then in his Decenarie where hee is best known, and hath his pledges answerable for his honestie; nor can hee transfer his estate to any other Countie but to his loss: And his avoiding the due courf of Law, is a misdemeanor that depriveth him of the benefit thereof; which beeing certified by a *Testatum*, a *Capias* of courf ensueth, to pursue him from Countie to Countie, till hee bee found

found, or outlawed; which was ever lawful against such as waved their Law and freedom, to answer it in its due court; and such a Certificate of the Sheriff of that Countie whence hee fled, ought to make to the *Chancery*, whence hee had his Justices to determine the matter; and the *Chancery* ought to send the *Capias* to the Sheriff in whose Countie hee doth *latitare*, & *discurrere*; and so the *alias Plures*, *Exigent*, and Outlawrie, till hee bee forced to return himself to the first Sheriffs, to have his caus determined there by his Peers, as it ought: all which, affording fifteen daies between Process and Process, is feasible in half a year; and what hee shall bee then found to have left of his personal estate, his creditors must have all, and two parts of his real; with less then

a tenth part of the fees and de-
 laies used at *Westminster*: which
 old cours of Law beeing restor-
 ed, and so known, will make
 everie able debtor submit to
 Summons, and farther Proceſs,
 especially Outlawries, more ter-
 rible and odious then now, when
 they are but scare-crows, rever-
 ſable and extinguiſhable by their
 grantors, for their gain at their
 pleasures: For the debtor that
 is not worth the summoning, up-
 on the Sheriffs return of *Non
 est inventus, & nihil habet*, the Law
 is ended (as aforesaid) until
 God enable him. And in the
 interim, whereſoever hee lurk-
 eth, or liveth, by lawful endea-
 vors, *Camabit vacuus coram la-
 trone viator*, no debtor juſtly in-
 debted, can, or ought to bee suf-
 fered by any juſt law, or equitie to
 make away his eſtate, before hee
 paie his juſt debts, for it is not
 his

his own, but his creditor's; and such Conveiances ought to bee adjudged fraudulent, although the fraudulent makers of that fraudulent Statute, have inserted the words *bonâ fide*, for themselves, and their imps, who never had good faith or honestie to expound for their profit, as aforesaid; for good faith can do no man wrong, but fals Lawyer's interpretations thereof, and of the Law, commonly wrong all men, and enrich onely themselves. The Lord Coke in the *Third part of his Institutes*, upon the Writ *de odio & atia*, declareth these men to bee liers that charge the Law, or its makers, with more regard of men's debts, then their liberties.

6. The sixth is of the same stuff, and in substance answered before. Do more Merchants trade out of *England* by sea, because

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cauf it is an Island, then into it out of larger and Forrain lands, where the *Capias* for debt was never known? Do not these men buy wares upon trust, and trade to sea as often as the English? and having no *Capias*, have their creditors no Laws to recover their debts? is it not better to attach their debtor's goods, or their own in their hands, or others, then their bodies? And so hath *London* used to do by Custom, and other Towns and Ports ought to have don so as well; and the Law of the Admiraltie hath its cours of Justice within its jurisdiction. Wil common Lawyers have no Law but their bastard the *Capias*, to range about by Sea and Land, like its its Grandfather the Devil, seeking whom it may devour? Nay, are not the words of the Writ of Summons, at the Common Law

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Law, directed to the Sheriff, which any Major, or chief Magistrate of any Corporation, may upon complaint direct to Sheriff or Sergeant; *precipe, &c. per bonos summonitores*; that is, I command thee to summon *A B, &c.* by good Summonitors, &c. and have their names, &c, and this Writ before mee by such a daie: And to what end? but that the Summonitors beeing two, or more of the ablest Freemen, or Pledges of the Jurisdiction, undertaking the Summons, undertake the goods till the Attachment ensue, if they cannot end the matter before, as neighbors bound in charitie so to do. But these *Westmonasterians* abhor that, and seem neither to know, nor willing to admit any charitable end, or other Law, but their *Capias* to catch and bring all fish to their net.

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7. The seventh is but a chip of the sixth, and answered before, with this addition. Is there no trust, but where the *Capias* is, or can thrust it self? If it bee the caus of trust, Justice, Equitie, &c. and such a caus, as without which none of these can subsist (as they saie it is) and both legal and necessarie for this Common-wealth, that it seem's the onely Trustee thereof? Why is it not warranted, or suffered by these men themselvs to peep into their Inns of Court, and *Chancerie*? places pretended to bee egress and ingress of Law, Justice and Equitie, and known to take upon trust more then all the Merchants of *England* can tell how to recover by the *Capias* against their persons, who make their Inns, and their Gaols of the upper Bench, and Fleet their Sanctuaries,

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to bee all forfeited thereunto
 But how irrational they shew
 themselvs, when they offer rea-
 sons to a most wise and circum-
 spect Parliament, to perswade them
 that can onely bee profitable to
 all, which is so unwelcom to
 them, that they cannot endure
 their own beagles that carrie it
 abroad, to bee their Inmates an
 hour longer then while they
 slave and pump them, and so
 make them as fit to bee their
 Mass-Priests, as their prolling
 Proctors.

8. The eighth sheweth these
 men's desires, as well to pervert
 the Word of God, as to subvert
 the Laws of *England*, and decla-
 reth their right as well to the
 Faggot, as to the Halter, and
 their fitness as well for Hell, as
 the Gallows. They blush not
 to saie, that they finde presidents
 and approbations in the Old and
 New

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New Testaments, of like proceedings, and greater cruelties against debtors, amongst the Jews, then is used by them and their *Capias* here: And those (saie they) were condemned, neither by the Romanes, that loved Justice, nor by Christ. The first Scripture they cite, is *Matth. 5. 25.* where *whosoever is angrie with his brother without a caus, is advised to leav his gift before the Altar, and bee reconciled to his brother first, and then offer his gift,* lest at any time the *Adversarie* deliver him to the *Judg*, and the *Judge* deliver him to the *Officer*, and bee cast into prison; where Christ saith unto him, *Verily, I saie unto thee, thou shalt by no means com. out, until thou paieest the uttermost farthing: wherewith agreeth Lu. 12. 58. 59.* and both with the Parable of the non-solvent servant, *Mat. 18. 25.* & all these places con-

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conclude with the rest of the were
 Scriptures, that the debt here mer
 meant to bee punished by impri-
 sonment, was not a debt of cleen
 monie borrowed for need, and al
 lent for love, prophesied to bee whi
 don. *Deut. 15. 6.* and commanded voic
Matth. 5. and 42. And therefore ble
 beeing no action of sin by the to t
 Old and New Testament, was had
 liable to no action of Law, ten-
 ding to personal punishment or
 imprisonment; but the debt
 meant here, was indeed the du-
 tie of the Usurer, Extorter, De-
 ceiver, Hypocrite, &c. to for-
 give their debtors their debts so
 accrued: But Usurie, Extortion,
 Briberie, &c. which were such
 heinous offences amongst the
 Jews, as still they are, or ought
 to bee with us, that they incur-
 red mixt actions in Law wor-
 thie of arrests and imprison-
 ments, till the uttermost farthing
 were

the were paied, or restored, with
rewards; *Levit. 6. 2, 3, & 4*, ex-
poundeth this debt to bee such
ofleerly, and no other. Our pe-
nal Laws for those offences,
which make the principal debts
void, and give the Plaintiff tre-
ble for damages, or according
to the Judge's discretion, carrie
the shadow of that Justice. The
Context in *Matth. 5.* decla-
ring our Savior's speeches to the
Scribes and Pharisees, elsewhere
called Lawyers, Extorters, Dis-
semblers, &c. and here redargu-
ed of their unrighteousness, and
breaking of the Commande-
ments, which they adjudged
death to others; accompting
killing onely such as was don
with the sword, and him to bee
subject to the judgment, where
they knew; that by their own
law, men that killed in their own
defence, had sanctuarie, & that the
word

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word Judgment emphaticall
 proceeded with the word The
 is always used for the general
 Judgment of God: wherefore
 Christ telling them, that killing
 extend's to him that is angry
 with his brother without cause
 and elsewhere to him that suffe-
 reth his brother to perish when
 hee may save him; much more
 then to Fals Judges, Extorters,
 Usurers, &c. who may finde them-
 selves sufficientlie described in
 him to whom his Lord forgave
 all his debt; (which in the last
 vers of this Chapter (as fre-
 quentlie elsewhere) is called as
 well trespass, as debt, becaus
 mixt, and compounded with sin,
 more then borrowing, or lend-
 ing of monie) until hee extorted
 from his fellow-servant, who
 ought nothing to him, but
 to his Lord, upon whom he had
 not like compassion, as his Lord

had

had upon himself, but grew an-
grie with his fellow-servant
without caus, and cast him into
prison; which, when his Lord
heard, he was wroth, and deli-
vered the mad Extortor, not the
meek Debtor to the tormenter,
&c. whereof let Extorters, U-
surers, &c. take better notice,
and applie the said Scriptures to
t emselvs, and know that the
Devil, called here emphaticallie
the Adversarie, is he that deli-
vereth them (as the common
accuser of sinners whom hee se-
duceth thereunto) to the Judg
of Judges, and King of Kings,
the God of Truth, Justice, and
Mercie, who (except they say,
and resolv. to pay all, viz. re-
pent, and have like compassion
upon their brethren, as they
expect from him) will deliver
them to the Officer, as saith *Mat-
thew the 5.* Tormentor, as saith
Mat-

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Matthew 18. viz. the Devil again who supplieth all such offices and delivereth all that are delivered to him, to Hell, whence no Redemption, till the uttermost farthing bee paid, which never to be don after the oil out of the lamp, and the door shut: Where contrariwise the Law of the Jews (which Christ saith hee came not to destroy *Mat* 5. 17. and neither did, nor would alter, as appeareth, *Mat* 18. 25.) did not imprison monie debtors at all, but sell them and their wives and children and all they had to their creditors that were bound by the same law to keep, and finde them in their houses, and imployments not in prisons, and dungeons without, and from all imployment but wickedness, as our Gaolers do us; nor as these men impiouslie allege, and belie the

Holi

Holie Ghost, saying, That their creditors might take their debtor's cloaths, and bed-cloaths from them; where the Text they cite, (*Lev. 25. 39.*) saith, they must use them as brethren, hired servants, and sojourners (which we finde all the Old Testament over, had the trust, and charge, not onlie of their Master's estates, but of their children, and their wives, and wanted nothing futable, not onlie to their own necessities, but also to their master's credits, and imployments. And debtors were to be kept so by vertue of their sale, but till the year of Jubilee, which, when it fell within seven years in the time of *Moses*, restored them to their libertie; for without it, the seventh year they were to be restored, as appeareth, *Deut. 15. 1.* &c. And in *Jeremie's* time, at the sixth years end, *Jer.*

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34. 14. Now doth the Capiat Arrests, and Imprisonments used by these men, hold anie analogie with the mercie, justice, sustentation, freedom, and hope of libertie in few years, which the Jewish law afforded to those debtors they sold to their Creditors? Compare, and finde it followeth: There the debtor had the mercie to be no Prisoners at all, but as hired servants and sojourners: The Justice, to be no bondmen which masters might use at their pleasures. The sustentation; to have food and raiment enough, and competent to their conditions, and their masters callings: The freedom; to live, and love husband, wives, and children all together; to pray, feed sheep, and work comfortablie together in their masters houses, fields, vineyards, &c. with no less good

in Our

instruction, and recreation to
themselves, then profit and plea-
sure their masters, and hope of
full libertie to make use of those
good instruments for their own
best aduantage at six years end, if a
Jubilee, freed them no sooner.
Contrariewise; here the poorest
debtor hath the cruellest impri-
sonment; that is the rule of
these men's mercie: The greatest
cheater hath the greatest favors;
that is their Justice: The susten-
tation wee would buy for our
selves at the best hand, while our
monie last's, our Goalers take,
or keep from us, to force us to
buy half so much, and nothing
so good of them, while wee have
a pennie left; and after to starve;
when others, for our Custom,
would prolong our lives, with
trust for a time, they will trust
no poor man for a farthing; nor
rich, but to fetch his monie.
Our Freedom is not to the next

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Wee, nor in our own, to enjoy
w^hat for children; longer then
to bring fees to the Gaoler; that
when we have sold our cloaths,
and bed-cloaths to feed our
Wives & Tackers, our common be-
come bare ground, till wee fa-
mish here; and our wives and
children in the streets, and die
as we do the like; hope of liber-
tie we have none, but by such
means; for our livelihoods are
too little to pay our Fees from
the dayes of our Arrests, to our
Redemption: if anie attain to liber-
tie by some casualtie, hee is the
worse while hee liveth for his
lack of education. Our Law
derived from the Romanes, who
(as these men say) condemne
not the Law of the Jewes con-
cerning Creditors and Debtors
as with ours were as merciful
as so it was before and since
the Magna Charta, when it meddled
with men's bodies that had

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joy not wherewith to pay their debts, but relieved, and impleied them according to their endeavors, forgiving their debts, and believing that of our Savior, if you forgive not men's trespasses, neither will my Father forgive yours, Mat. 7. 12. But these men that dare abuse the everlasting Word of the everliving God, and the fundamental Laws of this Land grounded thereupon, to mis-inform a Parliament to their own ends, notwithstanding they know wee have abundance of sound Divines to expound Scriptures, and some honest Lawyers, though no professors to explain Lawes. What shall wee think of these men's sincerity to be trusted with the making up, and keeping of Records concerning the whole estates of the Common-wealth? but submit the consideration thereof to all interested therein.

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Their 9. Reason pursueth the former in its Coin; for most untrue it is, That men alwaies begin suits (meaning by way of Capias, and Arrest) upon necessities of injustice, that is to say, when no other trick will serve to bar men of their libertie to prosecute just suits for loss of lives, or estates of most concernment; or for Treasons, felonies, or trespasses most notorious committed by night, and defended by injustice, what is more common then to arrest the prosecutors for supposed debts of thousands of pounds, more then they are able to find bail for, until Trials, and Judgments be carried against them in the causes they should follow by the same hands of Power and Justice, as that they should prosecute, but cannot, being so prevented. And how manie are now imprisoned for supposed debts, which they never

in the never ought, or if they did, have
most paid, or which were not due at
waies the time of the Arrest, &c. And
ay of what necessitie of Justice was to
eces begin such suits? And what
say murther more wilful, more ma-
fer nifest, and more cruel, then to
ie to imprison men so till they die?
is of And where they say, that most
cern commonlie debtors have notice
nies before any suit be commenced,
ious why then do they debar sum-
efen mons, which is the right process
mon of notice? How come Justices
pro of Peace, and Grand Jurie men,
ts of that alwaies attend Assizes and
then and Sessions, to be arrested by
for bills of middle Latitats, and
s be Outlawries, before they can hear
can of anie suits against them? which
the case is common. And for their
stice alleging of manie Statutes, or
but Parliaments, that approved of
And their Capias, let them name one
one more then that of 25 Edw. 3. 17.
they which gave it, and was repea-
never blow

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led, 28 Edm. 3. 3. and 42 Edm. 3. as
aforesaid. What Statute, or Par-
liament, ever since revived it in
expresse terms? It is true, That of
19 Hen. 7. 9. ordineth process
upon Actions of trespass upon
the case to bee no more delatorie
then that practised for debts.
And wee grant that actions upon
the Case, being mixt actions,
ever ought to have been
by Capias before that Statute,
however neglected by such as
ever left undone those things
which they ought to have done,
to do those things which they
ought not. And that summons is
a milder way, and not so compul-
sorie: as the Capias, wee con-
fess, and hold more Christian.
For the Capias compelleth men
that are not able to pay their
debts, and that never ought anie
to be imprisoned, starved, mur-
thered: And no just debt to bee
paid so soon as summons, all the
world

would knoweth thereof, and therefore no Nation but English admitteth a Capias for debt.

The 10. is as deceitful an information, as anie before that; for wee desire no new way upon summons, to hasten Judgments before Attachments and distress, by affidavit of a summoner; but that summons may go by Writ, as it was wont, to the Sheriff of the Countie wherein the debtor dwelleth, requiring him by good summonitors (which are the words of the Writ) to summon the partie to bee at the return of the Writ, in the Court whence it issued, whether the Sheriff is to return both the writ, and the summonitor's names, in that ought to be substantial freeholders, and free pledges of the same decenarie as the debtor, who, if they return *summonitus*, are answerable for so much as they finde him worth, till At-

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attachment taketh it into the Sheriff's hands, or sureties for appearance. If the return bee a *nihil habet*, then (as aforesaid) the Law ought to look no further after him, till God make him able for (as the Proverb was) where nothing was to be had, the King was to loof his due. And if the return bee *non est inventus*, his running of the Law maketh him a malefactor, subject to a *Capias* upon a *Testatum* directable to the Sheriff of the Countie wherein he lurketh, and so from Countie to Countie, till hee bee taken, or out-lawed. Again, if the return be *summonitus*, Attachment, distress, and Judgment follow of cours; legallie, and speedilie, and are the onlie due proceſs of Law, as wee have declared before; and so is not a Judgment by *nihil dicit*, stolne by connivence of Attornies, unknown to the Defendant, al-
 though

though his warrant of Attornie
bee had to appear for him: a
common feat countenanced too
much by the Law at *Westminster*,
to thousands undoings, and their
own gain. For trial by Jurie,
Issues joined, cannot bee tried o-
therwise, *Nilil dicits*, & Arrests
by *Capias*. use them not: For mul-
tiplicitie of Suits and Perjuries,
they were things never found
fault with at *Westminster* these
200 years, till now. And now if
the *Chancerie* grant Justicieses to
Sheriffs and Stewards, as they
ought, *gratis*; and Corporations
proceed by their Charters, *West-*
monasterians need not fear to bee
troubled with multiplicitie of
Suits; and those growing fewer,
so will their perjuries.

11. The eleventh is a toie;
for wee grant that a *Capias ad*
respondend. beeing unlawful, that
ad satisfaciend. is groundless, and
both most lawless, and useless;

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the due process of law for debt
being as afore said, summons, &c.
12. The twelfth is a Riddle
and a Paradox, wherewith these
men would amaze us with some
wonders of their experience
happened by this Common-wealth
by the benefit of their *Capias*,
which they call the Process of
Arrest, *Anno Domini* 1267, &
1350. They might have done
well to declare their particu-
lars, that others that know them
not, might judge thereof as
well as themselves. Wee con-
fess, and they know the Ar-
rest, Imprisonment, Exile,
and Hanging of Traitors, Ex-
tortioners, &c. as were the
Spencers, Father and Son; the
Judges *Hugh d' Burgo*, *Tresilian*,
&c. who seduced Kings, as these
men would Parliament, were
beneficial to this Common-
wealth; and wee hope it will
bee so again, though wee know
not

not how long the Devil may help his servants, but of poor debtors wee can remember no such that was ever beneficial to any one person of this Commonwealth, but have sufficiently proved the Negative.

13. Lastly, for the subtilties, and subterfuges of debtors, wee know none more then these men, and their predecessors taught such as grew indebted, and by their natural inclinations, assisted with these men's advices, and devices, far more subtle then their own, to cheat men of their Lands and Estates; and by the credits of their sureties, that took them to be honest men, until too late, they found the contrarie. Wee confesse it is true, that such debtors, by the helps of such teachers, became so subtle, as to get in their hands all they could of their Creditor's rights, and conveyed them to what

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what lises they pleased, and procuring themselves afterwards to be arrested, where they might be brought, or removed to the upper Bench, or Fleet, made those places their sanctuaries and subterfuges, where they are many thousands in list, but few in custodie, riding, rioting, and spending their Creditor's and Suretie's Estates, sometimes at their own doors, who want for their sakes those blessings to relieve them, which they vainly consume to out-brave them; and sometimes in parts remote and Forraign, more active against this Common-wealth, then for it.

The premises tenderly considered, and for that these men, by these their endeavors declare themselves, and their Judges, and the rest of their rabble, to bee of one fraternitie; and all parties in this matter of our wrongful imprisonments, and guiltie of all

all the Extortions and Oppressi-
ons concurrent therewith; land
livers, and thrivers thereupon;
and therefore no fit Judges in
these causes, as further appeareth
by their lothness to submit, or
give waie to the House, whereof
they are over-ruling members,
to perform their promises to
your Excellence in our behalfs
made many years past, or to re-
store us, and themselves, to our
birth-right, liberties, and free-
dom, whereof they have robbed
us, but are ashamed so to do, like
thieves and intruders, to deliver
their possessions to the right ow-
ners. May it therefore pleas
your Honor, in our further be-
halfs, to cause the House once
more to bee moved to grant a
Commission under the Great
Seal, directed to indifferent
Commissioners, that shall bee
no professed Lawyers, Attornies,
&c. or persons engaged to pub-
lick.

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lick employments, Martiall, or Civil; but men of understanding, and discretion, undoubted honestie, well affected to the present Government, to be nominated by us, and approved by any two, or more Parliament-men, authorising everie two, or more such Commissioners, (not exceeding twelve in all) to deliver all the Gaols of England and Wales, of all prisoners for debt, forthwith without delaye, compelling all that are able, to paie all or part of their just debts, to paie accordingly, so far as all their goods, (except the beasts of their plough, tools of their trade, and necessarie cloaths and bedding) and two parts of their Lands shall extend, notwithstanding any Conveiance of any such Lands since the debts grew, (except distributions between real Creditors.) And to hear and determine all wrongful Imprisonments,

of Imprisonments, Extortions, Briberies,
 and Usuries, Perjuries, Forgeries,
 Frauds, Deceits, Trespasses, or
 Oppressions whatsoever, con-
 cerning such prisoners onely,
 committed, or to bee committed
 by any person or persons what-
 soever, against them, or any of
 them, or by any of them against
 any of their Creditors, through-
 out England and Wales, according
 to the antient Laws and Customs
 of England, confirmed by the
 great Charter, and Petition of
 Right, to endure for three years
 from the date thereof; allowing
 everie such Commissioner 300*l*
per annum, above his necessarie
 expences, for his salarie, in con-
 sideration of his pains, and loss
 in his time, and private affairs;
 and such fees, and allowances to
 their Clerks, Messengers, and
 other necessarie Ministers, as
 any three of them shall think
 fit, not exceeding the presidents
 of

of other Courts, in like cases, to bee deducted out of such fines, amerciaments, issues, profits, and perquisites, as shall grow due to the Common-wealth, by their service, as other Courts use to do; and the rest to bee accounted for, to such other publick uses, as the House shall appoint. Which beeing don by your means, the Land shall bee purged of much iniquitie, the Lord's wrath for the same much appeased, your Excellencie, and your Armie gain much happinesse, love, and honor, divine, and humane, temporal, and eternal; the Common-wealth regain a Million of monie picked out of their purses by Extorters, Usurers, and common Deceivers; and your Petitioners bee at libertie to fight for their Countrie, and safeguard of those lives of their own with courage and comfort, which as yet they have

no hope but to lose with care,
and sorrow.

And they, and theirs, as in dutie
bound, shall ever pray, &c.

*A Case concerning a matter of Ju-
stice.*

TO the premises I must add
another Case of no less per-
picuitie and manifestation of
our Lawyer's actions, then the
former, briefly thus; A Gentle-
man of *Drurie-lane*, ever faith-
ful to the Parliament's service, and
an adventurer of his life and for-
tunes therein, imparted for their
use and the Common wealths,
3600^l readie monie, upon con-
dition to bee repaid, with law-
ful consideration, in convenient
time, to supply his own occasi-
ons, much subject to oppressions
and injuries offered unto him by
Lawyers, and their Clients; in
which.

which respect it pleased the Parliament to take him into their protection, which hee conceived the Lawyers, sitting Members in the House, advised or consented to be done, and granted as a lawfull and just thing; or had it been otherwise, would have advised the contrarie, and never consented to the same. Now the Gentleman (having received none of his monie, nor any consideration for any part thereof, is forced to borrow monie upon hard terms of Life, and other Engagements to buie his Lease, late held of the Bishoprick of Ely, to prevent others to deprive him thereof, being his main subsistence, he can have no benefit of his protection; from any of them that granted it; or of those Courts wherein they are imployed, and prominently autorised; and the Gentleman and his Estate daily and unduly questioned, yet desired to

reth

Perth hee no more then his own,
bee to defend himself from injustice,
vetur to bee protected therefrom,
thentil hee hath his own, and iur
d to lce with it, or for it; or that
vntil hee may bee satisfied how neces
sarye it is, or can bee to this Par
liament and Common-wealth, or
entolther to have these men, these
Gen Counsellors, these Advifers, or
rather Devisers of frauds, and
subtleties to delude Truth and
Justice, that will counsel, advise,
advise, or consent things to bee
granted, which they will not
justifie to bee performed by them
selvs, (except that as in cases of
common concernment, wherein
the partie most suffering ought to
have negation from all) Strata
gemes are tolerable in war, con
tinued or tolerated in place or
power, to mis-guide Parla
ments, as their predecessors have
don Kings in times of peace, or
to bee sole Judges or Interpreters
of

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of their own inventions; no
less dangerous to this Repub
lick, and their Estates, then the
Exposition of Papistical Impos
tures, while it was left to the
autors, was to our predece
ssors and their souls. All which
I humbly submitted to your Ho
nor's further consideration, with
the rest as aforesaid; by the same

Your Honor's
faithful servant,

and observant,

Jos. Jones

A Case concerning Tythes.

FOR the further manifestation
of the lawless Imposture, and ut-
ter subversion of Jurisdiction, Arbitrarie
proceeding, and destruction of Pro-
prietie, exercised daily, and generally
by Judges, and no Judges at West-
minster, and in their Circuits to the
ruination of many, and hazard
of all; may summarily appear in
that one Case lately adjudged by no
Judges legally authorised thereunto,
between Sir Matth. Lister Knight,
Plaintiff, and Lionel Gelson, De-
fendant, published in print, partly by
petition, partly otherwise, by the
modest and discreet wife, and fellow-
sufferer of the Defendant, in the Cause
of Ann Gelson: the brief whereof
is this; the Plaintiff being posses-
sed of the Tythes of a Rectorie, called
Burwel, in the Countie of Lincoln,
in Impropriation, sometimes parcel
of the dissolved College of Tottersal
in

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in the said Countie, by virtue
 Conveiance derived from a Grant
 King H. 8. in which it is mention
 that the said King gave that Recto
 rie. (cum pertinentiis inter alia &
 to the then Duke of Suffolk, and
 heirs. And because it is there
 ther mentioned, that the said King
 gave also to the said Duke the Pre
 sentation of the Rectorie of Walms
 gate, which is a Parish of it self
 another Decenarie, and Wapentack
 of the said Countie, distinct from
 though neighboring to that of Bul
 wel, and founded by the Lord of the
 Manor of Walmsgate, who then
 was (as yet the Defendant who cla
 meth from him, is) Lord of all the
 Parish in Fee-simple, and gave the
 Tithe thereof (as well his own, as
 his Tenants at will) to the Recto
 for the time beeing, and his succe
 sors for ever, reserving to himself
 and his heirs for ever, the Patronage
 and Presentation; so that when the
 hapned a neglect of Presentation,

him

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or in his heirs, the right thereof
by law to the Bishop of Lin-
coln, and upon his neglect, to the
Redding; which beeing so then, in King
Edward the first might grant for that time
and the said Duke: But saving for
renew time, or the like relaps, the in-
heritance descended to the Defen-
dant. Now this Inheritance from
the Defendant, and Tithes from the
self incumbent, and his Farmor, are
adjudged to the Plaintiff, by Judges
and Jurors, according to the course of
Common Law, (as they pretend)
of whereas by the Statute 2 Ed. 6. 13.
it should many presidents, no right of
claimers ought to be tried but by
the Ecclesiastical Judges, and Courts
according to Ecclesiastical Laws;
on, which, though now abolished, the said
Revenues beeing not repeated, the Ju-
risdiction is obeyed, and yet undispo-
sed of by the Parliament, which onely
may dispose thereof. But in the inter-
mean, such Judges and Jurors, as as-
sume jurisdiction to trie the rights of
him

Tithes

The Cry of Blood.

Types by Common Law, are
Judges, but offenders in Premures
such trials, no trials, but arbitra
and lawless Disseisins, and destr
tions of men's properties; and c
sequently (if not timely remedied)
the common libertie, rights, a
birth-rights of all the Commona
of England; And the Defend
can but fear to bee deprived by
same cours, of his whole Man
and subsistence, as well as bee in
part.

FINIS.

Edw. 2

